



Developments in Clean Water Law: A Seminar for Public Agency Attorneys & Managers

November 12 - 14, 2008
Fairmont Hotel, Washington, DC

Agenda Current as of 10/3/08

Wednesday, November 12

Morning

8:30 – 4:30

Registration

8:30-9:30

Continental Breakfast

9:00 - 12:00

GENERAL SESSION I

Opening Remarks

Christopher M. Westhoff
NACWA Past President
Assistant City Attorney
Public Works General Counsel
City of Los Angeles, CA

2008 Seminar Overview

Lisa E. Hollander
Chair, NACWA Legal Affairs Committee
Deputy Director of Law
Northeast Ohio Regional Sewer District
Cleveland, OH

9:15 – 10:30

Keynote Address:

The Elections Are Over: Now What?

Amy Walter, Editor-in-Chief of *The Hotline*

*Amy Walter's appearance is sponsored in part through the
generous support of Beveridge & Diamond.*

Dubbed one of the most powerful people in politics for her insights into the mechanics that make the political machine run. She has served as a political analyst for CNN and as a panelist and commentator on CBS' *Face the Nation*, *Meet the Press* (NBC), *Washington Journal* (C-SPAN), *The NewsHour with Jim Lehrer* (PBS), and the *CBS Early Show*.

10:30 - 10:45

Break

10:45 – 12:00

Nutrients: I Thought They Were Good For You?

While all living things do require nutrients to be healthy, excessive nutrients can degrade water quality by producing harmful algal blooms and even hypoxia. Recently, there has been a call for national numeric nutrient limits. This opening panel will discuss the possible consequences of such new regulation for clean water utilities and their lawyers, and suggest legal strategies for addressing this national issue.

Speakers:

Avis Russell
General Counsel
D.C. Water & Sewer Authority
Washington, DC

Erika Powers
Partner
Barnes & Thornburg
Chicago, IL

Beth Card
Co-Chair, ASIWPCA Legal Affairs Committee
New England Interstate Water Pollution Control Commission
Lowell, MA

Afternoon

12:00- 1:30

Luncheon

Announcements
Keith J. Jones
General Counsel
NACWA
Washington, DC

1:30 - 5:00

GENERAL SESSION II

Opening Remarks and Speaker Introduction
Keith J. Jones
NACWA General Counsel

1:30 – 2:00

Keynote Address:

Thought, Persistence, and Monk Units

David A. Katz
Deputy Water Commissioner
Philadelphia Water Department
Philadelphia, PA

2:00 – 3:30

Stormwater: When It Rains It Pours

Many CSO and/or SSO communities and stormwater utilities are struggling with the legal consequences of trying to best manage the first inch of stormwater runoff, which is known to carry the majority of pollutants from streets, parking lots, and rooftops. This panel will discuss the legal impediments that face the clean water community in trying to manage stormwater runoff in an environmentally beneficial manner and how municipal utility attorneys can overcome them.

Speakers:

David Burchmore
Partner
Squire Sanders
Cleveland, OH

Chris Pomeroy
Partner
AquaLaw
Richmond, VA

Hilary Meltzer
Senior Counsel
New York City Law Department
New York, NY

Theresa A. Dunham
Of Counsel
Somach Simmons & Dunn
Sacramento, CA

3:30 - 3:45

Break

3:45 - 5:00

Climate Change: The Hottest Topic in Town

Whether you believe in Climate Change or not, you can believe that there is going to be national Climate Change legislation, regulation, and eventually litigation. The final panel of the day will discuss what Climate Change legislation and regulation will most likely mean for the clean water community and what legal issues it will present.

Speakers:

Benjamin Grumbles
Assistant Administrator, Office of Water
U.S. Environmental Protection Agency
Washington, DC

Karen Hansen
Principal
Beveridge & Diamond
Washington, DC

Fred Andes
Partner
Barnes & Thornburg
Chicago, IL

Closing Remarks/Announcements

Lisa Hollander
Chair, NACWA Legal Affairs Committee

6:00 – 7:00

Welcoming Reception

Thursday, November 13

Morning

8:30 - 4:30

Registration

8:30 - 9:30

Continental Breakfast

9:00 - 12:00

GENERAL SESSION III

Opening Remarks

Roberta L. Larson

Vice Chair, NACWA Legal Affairs Committee

Somach Simmons & Dunn

Sacramento, CA

9:00 – 10:30

Biosolids: It All Has To Go Somewhere

Experts predict that the population of the United States will hit one billion by the year 2100. The one thing all these people will have in common is the need to dispose of their bodily waste. This first panel of the day will discuss how clean water agency attorneys can best protect their utility clients' ability to decide how they will dispose of their biosolids.

Speakers:

Christopher M. Westhoff
Assistant City Attorney
Public Works General Counsel
City of Los Angeles, CA

James B. Slaughter
Principal
Beveridge & Diamond
Washington, DC

Douglas A. McWilliams
Partner
Squire Sanders
Cleveland, OH

10:30 – 10:45

Break

10:45 – 12:00

Green Infrastructure: It's Not Easy Being Green

For the past several years, there has been a lot of talk about Green Infrastructure. EPA and state permitting and enforcement agencies are at the point of incorporating Green Infrastructure into permits, enforcement orders, and long-term control plans. This panel will discuss the legal opportunities and challenges this presents for clean water agencies and their attorneys.

Speakers

Amanda Waters
General Counsel
Sanitation District No. 1
Ft. Wright, KY

Jenny Molloy
Water Permits Division
U.S. Environmental Protection Agency
Washington, DC

Chris Kloss
Senior Environmental Scientist
Low Impact Development Center
Beltsville, MD

Afternoon

12:00 – 2:00

Lunch on Your Own

2:00 – 5:00

GENERAL SESSION IV

Opening Remarks
Lisa E. Hollander
Chair, NACWA Legal Affairs Committee

2:00 – 3:15

Top Ten CWA Cases of the Year

This year we have seen a number of important Clean Water Act cases decided in the courts. An expert in Clean Water Act Jurisprudence will review the most significant cases of the year and will provide insight into what these precedents mean for clean water utilities and their counsel.

Featured Speaker:

William A. Anderson, II
Partner
Williams Mullen
Washington, DC

3:15 – 3:30

Break

3:30 - 5:00

Regulatory Deference: Whose Line Is It Anyway?

The *Chevron* decision tells us that a reviewing court should grant a great degree of deference to an agency's reasonable interpretation of an ambiguous regulatory statute. What about interpreting the meaning of "reasonable bacteria criteria" or even "best professional judgment?" This final panel of the day will discuss the legal issues clean water agencies and their counsel need to understand regarding regulatory deference.

Speakers:

Roberta L. Larson
Vice Chair, NACWA Legal Affairs Committee

LaJuana Wilcher
Partner
English, Lucas, Priest & Owsley
Bowling Green, KY

Brooks Smith
Partner
Hunton & Williams
Washington, DC

Closing Remarks/Announcements

Lisa Hollander
Chair, NACWA Legal Affairs Committee

6:00 – 7:00

Reception

Friday, November 14

Morning

8:30 - 10:00

Registration

8:30 – 9:30

Continental Breakfast

9:00 - 12:00

GENERAL SESSION V

Opening Remarks

Lisa Hollander

Chair, NACWA Legal Affairs Committee

9:00 – 10:15

Ethics: Please Do The Right Thing

Even clean water agency attorneys need to keep up to date in the area of professional responsibility. A leading legal ethics scholar will use a series of hypothetical situations to explore legal and ethical issues related to practicing Clean Water Law including confidentiality, candor, and diligence.

Featured Speaker:

Professor Heather Bupp-Habuda

Adjunct Faculty of Legal Ethics

American University

Washington, DC

10:15 – 10:30

Break

10:30 – 12:00

Enforcement: We Can Make You Do the Right Thing

The New Year will bring both a new Presidential Administration and a new Congress to Washington DC. There is a strong expectation that they will produce legislation that will increase regulatory demands on clean water agencies. Failure to comply with these new demands will undoubtedly result in enforcement actions. This final panel of the program will discuss what clean water agencies and their counsel should expect in the coming year in the realm of enforcement.

Speakers:

Granta Nakayama

Assistant Administrator, Office of Enforcement and
Compliance Assistance

U.S. Environmental Protection Agency

Washington, DC

Laurie Horridge-Bissonette

General Counsel

Narragansett Bay Commission

Providence, RI

Paul Calamita
Partner
AquaLaw
Richmond, VA

Michael McCabe
Director of Legal Services
Milwaukee Metropolitan Sewerage District
Milwaukee, WI

Closing Remarks/Adjourn

Lisa Hollander
Chair, NACWA Legal Affairs Committee